

EXHIBIT A

Transcript for Callahan, Timothy 7/15/2004

Page 122

1 UNITED STATES DISTRICT COURT
 2 DISTRICT OF MASSACHUSETTS
 3 _____)
 4 IN RE PHARMACEUTICAL INDUSTRY) MDL No. 1456
 5 AVERAGE WHOLESALE PRICE)
 6 LITIGATION)
 7 -----*
 8 This Document Relates To:) 01-CV-12257-PBS
 9 ALL ACTIONS-----)
 10 -----*

11 HIGHLY CONFIDENTIAL

12 Thursday, July 15, 2004
 13 New York, New York
 14 9:10 a.m.

15 Continued Deposition of TIMOTHY
 16 CALLAHAN, held at the offices of Cohen, Tauber,
 17 Spievack & Wagner, LLP, 420 Lexington Avenue,
 18 New York, New York, pursuant to 30(b)(6)
 19 Notice, before Josephine H. Fassett, a
 20 Certified Shorthand Reporter and Notary Public
 21 of the State of New York.
 22

Page 124

1 ----- I N D E X -----
 2 WITNESS EXAMINATION BY PAGE
 3 TIMOTHY CALLAHAN MS. KOPP 126
 4 MR. FARQUHAR 212
 5 MR. MACORETTA 215
 6
 7 ----- EXHIBITS -----
 8 EXHIBIT DESCRIPTION PAGE
 9 Exhibit Callahan 017 1/20/99 Memorandum with attached
 10 Coverage Guide for Reps 126
 11
 12 Exhibit Callahan 018 May 26, 1999 Memo from Parexel
 13 to Schein 141
 14
 15 Exhibit Callahan 019 4/21/99 Interoffice Memorandum
 16 with attached Pricing Issues
 17 Documents 158
 18
 19 Exhibit Callahan 020 June 1, 1998 Memo 170
 20
 21 Exhibit Callahan 021 Document titled INFed Contract
 22 Option Analysis 195

Page 123

1 A P P E A R A N C E S :
 2
 3 SPECTOR, ROSEMAN & KODROFF, P.C.
 4 Attorneys for Plaintiffs
 5 1818 Market Street
 6 Suite 2500
 7 Philadelphia, Pennsylvania 19103
 8 BY: RACHEL E. KOPP, ESQ.
 9 JOHN A. MACORETTA, ESQ.
 10
 11 HYMAN, PHELPS & McNAMARA, P.C.
 12 Attorneys for Watson
 13 700 Thirteenth Street, N.W.
 14 Suite 1200
 15 Washington, D.C. 20005
 16 BY: DOUGLAS B. FARQUHAR, ESQ.
 17
 18 SHOOK HARDY & BACON, LLP
 19 Attorneys for Aventis
 20 2555 Grand Boulevard
 21 Kansas City, Missouri 64108-2613
 22 BY: JAMES P. MUEHLBERGER, ESQ.
 23
 24 SONNENSCHN NATH & ROSENTHAL, LLP
 25 Attorneys for Sisor
 26 1221 Avenue of the Americas
 27 New York, New York 10016
 28 BY TELEPHONE: JACKIE FINNEGAN, ESQ.
 29
 30 ALSO PRESENT:
 31
 32 JOHN MARKOW, ESQ.
 33 Watson Senior Corporate Counsel
 34

Page 125

1 STIPULATION
 2
 3 IT IS HEREBY STIPULATED AND AGREED by
 4 and between the attorneys for the respective
 5 parties herein that filing and sealing be and
 6 the same are hereby waived.
 7
 8 IT IS FURTHER STIPULATED AND AGREED
 9 that all objections, except as to the form of
 10 the question, shall be reserved to the time of
 11 the trial.
 12
 13 IT IS FURTHER STIPULATED AND AGREED
 14 that the within deposition may be sworn to and
 15 signed before any officer authorized to
 16 administer an oath, with the same force and
 17 effect as if signed and sworn to before the
 18 Court.
 19
 20
 21
 22

Transcript for Callahan, Timothy 7/15/2004

Page 126

1 (Whereupon, resumed.)
 2 (1/20/99 Memorandum with attached
 3 Coverage Guide for Reps marked as Exhibit
 4 Callahan 017, as of this date.)

5
 6 T I M O T H Y C A L L A H A N, the witness,
 7 having been previously sworn, resumed,
 8 was examined and testified under oath as
 9 follows:

10 CONTINUED EXAMINATION

11 BY MS. KOPP:
 12 Q Good morning, Mr. Callahan.
 13 A Good morning.
 14 Q Just to make sure I heard you
 15 right yesterday, I just wanted to ask you: Are
 16 Ferriecit and INFed reimbursable under Medicare
 17 Part B?
 18 A No.
 19 Q Are they reimbursable under
 20 Medicare Part A?
 21 A Yes.
 22 Q Is that how dialysis centers get

Page 127

1 paid for it?
 2 A Yes.
 3 Q I'd like to show you what has been
 4 marked as Exhibit Callahan 017.
 5 MR. FARQUHAR: Do you have one of
 6 those for us or is that an old one?
 7 MS. KOPP: Yeah, I have one for
 8 you. There you go.
 9 MR. FARQUHAR: Thank you.
 10 MS. KOPP: That's MDLW 25410
 11 through MDLW 24537.
 12 Q If you could just read over that
 13 front page first.
 14 A (Reviews.)
 15 Q Do you recognize this memo?
 16 A Yes.
 17 Q Okay. And the document that
 18 follows it as well?
 19 A Yes.
 20 Q Okay. And as we can see at the
 21 top it's from you, correct?
 22 A Yes.

Page 128

1 Q And the subject is entitled
 2 Coverage Guide for Reps, right?
 3 A Uh-hum.
 4 Q Okay. This document as you can
 5 see is marked Draft, is there a final draft to
 6 this document?
 7 A I do not know but I would believe
 8 that there is a final document, yes.
 9 Q Okay. And where would that final
 10 document be?
 11 A Should be in the files with the
 12 rest of these types of reimbursement guideline
 13 pieces.
 14 Q Okay. And where would those files
 15 be?
 16 A Probably wherever all the files
 17 were sent as part of the subpoena initially.
 18 Q Okay. And where was that?
 19 A We had given them to our Legal
 20 Department.
 21 Q Okay. So your Legal Department
 22 should have these types of files?

Page 129

1 A I would imagine.
 2 Q Would they be anywhere else?
 3 A I don't believe so, no.
 4 Q Okay. Would it be in your
 5 personal files?
 6 A There might be. But, again, when
 7 we had originally received the subpoena, we
 8 shipped most of these things out and haven't
 9 seen them come back, so.
 10 Q Would it be in anybody else's
 11 files, anyone else that contributed to it or
 12 worked on it?
 13 A It could be in the product
 14 manager's file as well.
 15 Q And which product manager or
 16 managers would these files be in?
 17 A At the time this was written it
 18 would have been Joe Canny.
 19 Q Is he the only one?
 20 A Yes.
 21 Q And were there other drafts as
 22 well of this document?